

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DARNELL MCGARY,

Plaintiff,

v.

KELLY CUNNINGHAM et al.

Defendant.

CASE NO. C13-5130 RBL-JRC

ORDER ON MOTIONS FOR  
DEPOSITIONS

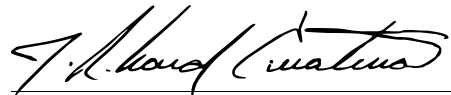
The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

Plaintiff filed a motion asking for permission to take non-stenographic depositions (ECF No. 61). Plaintiff outlined the procedure he wanted the Court to adopt in his motion (*id.*). Before the Court issued a ruling on plaintiff's motion, the parties entered into a stipulation regarding the taking of depositions (ECF No. 66). The Court accepts the parties' stipulation with the following modification.

1 Each side will provide a single, one hundred and twenty minute tape for each deposition  
2 and defense counsel need only provide two tape recorders for each deposition -- not three. The  
3 Court does not require that a copy of the deposition tape be sent to Court. Further, discovery is  
4 not filed unless it is used in the proceeding or there is a dispute that the Court needs to address.  
5 *See*, Fed. R. Civ. P. 5(d)(1).

6 Each side will keep a copy of the tape as outlined in the parties stipulated motion.  
7 Plaintiff will arrange for stenographic transcription at his expense and will provide a copy of the  
8 transcript to opposing counsel at his expense. If the parties do not agree that plaintiff's transcripts  
9 are accurate, the parties will each submit their copy of that deposition tape to the Court along  
10 with a copy of the transcript. The parties will highlight the portions of the transcript they believe  
11 are not accurately transcribed.

12 Dated this 4th day of November, 2013.

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15 J. Richard Creatura  
16 United States Magistrate Judge  
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